

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, FEBRUARY 2 AND 3, 2009
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULT OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of February 2 and 3, 2009, as follows:

CLOSED SESSION MEETING FOR MONDAY, FEBRUARY 2, 2009

ROLL CALL:

Present: Mayor Sanders, Council President Hueso, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, Young, DeMaio, Frye, and Emerald

Absent: All Present

CLOSED SESSION MEETING FOR TUESDAY, February 3, 2009

ROLL CALL:

Present: Mayor Sanders, Council President Hueso, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, Young, DeMaio, and Frye, and Emerald

Absent: All Present

CLOSED SESSION ITEMS FOR MONDAY, FEBRUARY 2, 2009:

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-1 Agency negotiators: William Kay, Timothy Davis, Scott Chadwick, Judy von Kalinowski, Thom Harpole, Kim Nguyen, Woo-Jin Shim, Lourdes Silva, Valerie VanDeweghe, Javier Mainar, Brian Fennessy, David Ramirez, Robert Kanaski, Paul Cooper, Jan Goldsmith, Tanya Tomlinson, Joan Dawson, William Gersten, Lori Thacker

Employee organizations: Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Municipal Employees Association, AFSCME Local 127 AFL-CIO and Deputy City Attorney Association

DCA Assigned: J. Dawson

NOTE: This item was heard on Tuesday, February 3, 2009

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

CS-2 *City of San Diego v. MBM Associates, et al.*
San Diego Superior Court Case No. 878013

DCA Assigned: J. Cordileone

Motion: To proceed with a petition to the California Supreme Court for review of a ruling by the Court of Appeal sustaining a demurrer to the City's complaint

Moved: Councilmember Frye - Dist. 6

Seconded: Council President Pro Tem Faulconer - Dist. 2

Vote: 8 to 0 [Passed - unanimously]

Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on February 3, 2009, @ 4:00

Yesterday, in Closed Session, the City Council voted on Item Closed Session 2, in the matter of *City of San Diego v. MBM Associates, et al.*, San Diego Superior Court Case No. 878013, to proceed with a petition to the California Supreme Court for review of a ruling by the Court of Appeal sustaining a demurrer to the City's complaint.

The case involves the City's complaint for breach of contract and nuisance against certain landowners and developers in Mission Valley related to dredging of a channel of the San Diego River.

The parties to the appeal were: MBM Associates; Calmat Co.; Conrock Co.; R.E. Hazard Contracting Co.; HP Mission Valley II, LLC; Mission Valley Partnership; and Hazard Center Investors, LLC.

The motion was made by Councilmember Frye and seconded by Council President Pro Tem Faulconer.

The motion passed unanimously 8 to 0.

CS-3 *Citizens for Responsible Equitable Environmental Development, et al. v. City of San Diego*
San Diego Superior Court Case No. GIC871259

Citizens for Responsible Equitable Environmental Development, et al. v. City of San Diego
San Diego Superior Court Case No. GIC876017

DCA Assigned: M. Dickenson

Report: Nothing to report

CS-4 *Christine Leiendecker v. City of San Diego, et al.*
San Diego Superior Court Case No. 37-2007-00083066-CU-PO-CTL

DCA Assigned: K. Snyder

Report: Nothing to report

CS-5 *San Diego Gas & Electric Company v. City of San Diego*
San Diego County Superior Court Case No. 37-2007-00071604-CU-EI-CTL

DCA Assigned: G. Spitzer

Report: Nothing to report

CS-6 *Estate of Jacob Faust, et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 80142

DCA Assigned: D. Shanahan

Report: Nothing to report

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-7 Number of Potential Cases: One

NOTE: This item was trailed to Tuesday, February 3, 2009, at 9:00 a.m.

CLOSED SESSION ITEMS FOR TUESDAY, FEBRUARY 3, 2009:

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-1 Agency negotiators:

William Kay, Timothy Davis, Scott Chadwick,
Judy von Kalinowski, Thom Harpole, Kim Nguyen,
Woo-Jin Shim, Lourdes Silva, Valerie VanDeweghe,
Javier Mainar, Brian Fennessy, David Ramirez,
Robert Kanaski, Paul Cooper, Jan Goldsmith,
Tanya Tomlinson, Joan Dawson, William Gersten,
Lori Thacker

Employee organizations:

Local 145 International Association of Firefighters AFL-CIO, San
Diego Police Officers Association, Municipal Employees
Association, AFSCME Local 127 AFL-CIO and Deputy City
Attorney Association

DCA Assigned: J. Dawson

Report: Nothing to report

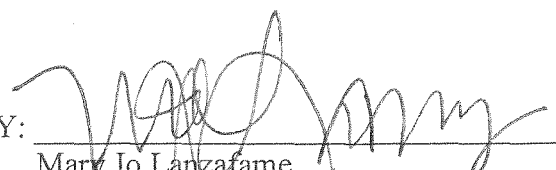
**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to
California Government Code section 54956.9(c):**

CS-7 Number of Potential Cases: One

DCA Assigned: J. Dawson

Report: Nothing to report

REPORTED BY:


Mary Jo Lanzafame
Assistant City Attorney